

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Steven Rizzi et al.

Serial No.: 09/876,173

Filed: June 8, 2001

For: System and Method of Providing
Advertising on the Internet

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Group Art Unit: 3622

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Confirmation No.: 5726

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of Appellants' November 8, 2008, Notice of Appeal. Appeal is taken from the non-final Final Office Action mailed August 8, 2008, (hereinafter referred to as, *Office Action*) since the present matter was previously Appealed and prosecution was re-opened in response to Appellants' previous Appeal Brief. The previously paid Appeal Brief fee is applied to the present Appeal Brief. Please charge any necessary additional fee increases or other fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Science Applications International Corporation.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals and interferences.

STATUS OF CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1-4, 8-9, and 11-40 stand rejected and are shown in the attached Claims Appendix. Claims 5-7 and 10 are canceled. Claims 1, 21, 30, and 37 are independent claims. Only pending claims 1-4, 8-9, and 11-40 are shown in the attached Claims Appendix.

Appellants hereby appeal the rejection of claims 1-4, 8-9, and 11-40.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

Pursuant to 37 CFR 41.33(b)(1), in Appellants' Amendment filed concurrently herewith, Appellants cancel claims 5 and 6. The Claims Appendix represents the claims based on entry of the Amendment filed concurrently herewith.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention, Appellants do not intend to limit the claims; all references to the specification and drawings are illustrative unless otherwise explicitly stated.

The present invention provides for systems and methods of providing advertising on the Internet. More specifically, the present invention is directed to systems and methods for providing advertising that is tailored to a user without creating a profile of the user. *Specification*, p. 1, para. [01] and p. 3, para. [11].

Providing support for independent claim 1 and in accordance with one or more aspects of the present invention, the invention includes a system for providing Internet advertising. The system includes an advertising server 140 comprising a web server 120 having at least one applet 122. *Specification*, p. 5, para. [24] and Figure 1 (as amended in the Response and Amendment filed September 20, 2006). The advertising server 140 further includes a database 144 and a servlet 150 for sending said at least one applet 122 to a web browser 104 on another computer 100 and receiving textual content read from said web browser 104 by said at least one applet 122, said advertising server 140 comparing said textual content to keyword data stored in said database 144 to determine whether to display an ad at a location 108 on said web browser 104.

Specification, p. 5, paras. [24]-[25] and Figure 1 (as amended in the Response and Amendment filed September 20, 2006). No user profiling data is forwarded from the computer 100 to the advertising server 140. The applets 122 do not cause the textual content to be cached, either in a user's computer 100, a web server 120 or an advertising server 140. Consequently, users are provided a higher degree of privacy. No data is collected that might be used to profile the users. *Specification*, p. 8, para. [34]. No user profiling data is forwarded to the advertising server 140 for collection, and any temporary information that might apply to privacy concerns never leaves the user's computer 100, and such temporary information is destroyed when the browser is closed. *Specification*, pp. 9-10, para. [43].

Providing support for independent claim 30 and in accordance with one or more aspects of the present invention, the invention includes a method of providing real-time advertising over the Internet. A database 144 maintains a plurality of ads and keyword data for each of the ads (steps 200 and 202). *Specification*, p. 8, para. [35] and Figure 2. An applet 122 is sent to a browser on a user's computer 100 (step 206). *Specification*, p. 8, para. [36] and Figure 2. Textual content displayed on the browser is read using the applet (step 210). *Specification*, p. 8, para. [36] and Figure 2). The textual content read by the applet 122 is compared with the keyword data for each of the ads and an ad having keyword data matching the textual content is displayed when the comparing step produces a match (steps 212 and 216). *Specification*, p. 8, para. [37], p. 9, para. [39], and Figure 2. No user profiling data is forwarded from the user's computer 100 to an advertising server 140. The applets 122 do not cause the textual content to be cached, either in a user's computer 100, a web server 120 or an advertising server 140. Consequently, users are provided a higher degree of privacy. No data is collected that might be used to profile the users. *Specification*, p. 8, para. [34]. No user profiling data is forwarded to the advertising server 140 for collection, and any temporary information that might apply to privacy concerns never leaves the user's computer 100, and such temporary information is destroyed when the browser is closed. *Specification*, pp. 9-10, para. [43].

Providing support for independent claim 21 and in accordance with one or more aspects of the present invention, the invention includes a method of providing Internet advertising. Ads are uploaded to an advertising server 140 (step 200). *Specification*, p. 8, para. [35] and Figure 2. Keyword data for each ad is selected (step 202). *Specification*, p. 8, para. [35] and Figure 2. At

least one applet 122 is sent to a web browser in a user interface 104 on a user's computer 100 (step 206). *Specification*, p. 8, para. [36] and Figure 2. Textual content displayed on the web browser is received from said at least one applet 122 (step 210). *Specification*, p. 8, para. [36] and Figure 2. The textual content read by the at least one applet 122 is compared with the keyword data (step 212) and an ad having keyword data matching the textual content is displayed when the comparing step produces a match (steps 212 and 216). *Specification*, p. 8, para. [37], p. 9, para. [39], and Figure 2. No user profiling data is forwarded from the user's computer 100 to an advertising server 140. The applets 122 do not cause the textual content to be cached, either in a user's computer 100, a web server 120 or an advertising server 140. Consequently, users are provided a higher degree of privacy. No data is collected that might be used to profile the users. *Specification*, p. 8, para. [34]. No user profiling data is forwarded to the advertising server 140 for collection, and any temporary information that might apply to privacy concerns never leaves the user's computer 100, and such temporary information is destroyed when the browser is closed. *Specification*, pp. 9-10, para. [43].

Providing support for independent claim 37 and in accordance with one or more aspects of the present invention, the invention includes a system for providing Internet advertising. The system comprises a computer 100 including a web browser and a display unit 102, the web browser receiving at least one applet 122 from an advertising server 140. *Specification*, p. 5, paras. [21]-[25] and Figure 1 (as amended in the Response and Amendment filed September 20, 2006). The at least one applet 122 reads textual content displayed on the web browser. *Specification*, p. 6, para. [26] and Figure 1 (as amended in the Response and Amendment filed September 20, 2006). The web browser displays an ad specifying keyword data when words in the textual content match the keyword data. *Specification*, p. 6, para. [26] and Figure 1 (as amended in the Response and Amendment filed September 20, 2006). The ad is received from the advertising server 140. *Specification*, p. 5, para. [24], p. 6, para. [26] and Figure 1 (as amended in the Response and Amendment filed September 20, 2006). No data is collected to profile a user of the computer 100. The applets 122 do not cause the textual content to be cached, either in a user's computer 100, a web server 120 or an advertising server 140. Consequently, users are provided a higher degree of privacy. No data is collected that might be used to profile the users. *Specification*, p. 8, para. [34]. No user profiling data is forwarded to

the advertising server 140 for collection, and any temporary information that might apply to privacy concerns never leaves the user's computer 100, and such temporary information is destroyed when the browser is closed. *Specification*, pp. 9-10, para. [43].

Providing support for dependent claim 23, and in accordance with one or more aspects of the present invention, a comparison of textual content and keywords or phrases is made in step 212 of Figure 2. *Specification*, p. 8, para. [37], ll. 1-2, and Figure 2. If the keywords or phrases do not match in step 212, no banner ad will be displayed in step 214. *Specification*, p. 8, para. [38], ll. 1-2, and Figure 2.

Providing support for dependent claims 34-36, and in accordance with one or more aspects of the present invention, the applets 122 do not cause the textual content to be cached, either in a user's computer 100, a web server 120 or an advertising server 140. Consequently, users are provided a higher degree of privacy. No data is collected that might be used to profile the users. *Specification*, p. 8, para. [34].

Providing support for dependent claim 38, and in accordance with one or more aspects of the present invention, the applets 122 do not cause the textual content to be cached, either in a user's computer 100, a web server 120 or an advertising server 140. Consequently, users are provided a higher degree of privacy. No data is collected that might be used to profile the users. *Specification*, p. 8, para. [34]. No user data is forwarded to the advertising server 140 for collection, and any temporary information that might apply to privacy concerns never leaves the user's computer 100, and such temporary information is destroyed when the browser is closed. *Specification*, pp. 9-10, para. [43].

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

The remaining grounds of rejection on appeal include:

- 1) Claims 1-4, 8-9, and 11-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,804,659 to Graham (hereinafter referred to as "*Graham*").
- 2) Claims 1-4, 8-9, and 11-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by a PR Newswire article, "Web Media Revolutionizes Online Advertising Industry," published on Dec. 5, 1996 (hereinafter referred to as *PR Newswire*).

3) Claims 1-4, 8-9, and 11-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dietsch et al. (U.S. Pub. App. No. 2004/0143499, hereinafter referred to as *Dietsch*) in view of *Graham*.

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

1. Rejection of Claims 1-4, 8-9, and 11-40 under 35 U.S.C. § 102(e) over *Graham*.

The *Office Action* rejects claims 1-4, 8-9, and 11-40 as being anticipated by *Graham*. Appellants respectfully traverse this rejection.

Initially, the *Office Action* rejects claims that are not even pending in the present matter. Specifically, the *Office Action* states, “Claims 1-30 and 31-40 are currently pending in this Application.” (*Office Action*, p. 3). Yet, claims 7 and 10 were canceled in the present matter long ago and were not pending at the time that the *Office Action* was mailed out. Secondly, Appellants again object to the narrow and improper reading of the claim language in the Action. Specifically, the *Office Action* begins the argument for all rejections stating, “[i]n ‘no user profiling data are forwarded to the advertising server 140 for collection’, the advertising server 140 is an external advertising server or a third party advertising server that should not collect or access the user’s profile data. The claims will be interpreted accordingly.” (*Office Action*, pp. 4, 7, and 9). The *Office Action* improperly narrows the claim language of independent claims 1, 21, 30, and 37, and thus all of the pending claims 1-4, 8-9, and 11-40, by requiring an advertising server that must be external or a third party server that should not collect or access a user’s profile data. Such a limitation in rejecting the claims is completely improper. For example, with respect to Appellants’ claim 1, an advertising server of various elements is recited. There is nothing in the claim language of claim 1, nor any other claim, to require that the advertising server be an “external advertising server or a third party advertising server” as required by the claims. With respect to claim 1, the claim language speaks for itself and unnecessary and improper limitations are simply not allowed.

Thirdly, the *Office Action* fails to apply any claim limitations of any particular claim to any particular part of the *Graham* reference. The *Office Action* ultimately cites the entire reference. (*Office Action*, pp. 4-7, in particular p. 7). Such an omnibus rejection is entirely

improper, see Section 707.07(d) of the MPEP. The *Office Action* never addresses any individual claim and merely groups them all together in one lump rejection. See the *Office Action* grounds for support,

Figs. 1-11; Col. 1:58 to col. 3:44).
Please consider the entire reference.

(*Office Action*, p. 7).

From 37 CFR 1.104(c)(2) (Nature of Examination): “The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” The *Office Action* fails to meet this requirement of 37 CFR 1.104(c)(2). To the extent that Appellants have been able to determine what the Patent & Trademark Office’s position might be, Appellants respond as follows.

In order establish a prima facie case of anticipation under 35 U.S.C. § 102(c), each and every feature of the claim must be taught by the reference. *Graham* describes an internet target marketing method and system for distributing online advertising to viewers based upon the viewers’ interests. (*Abstract*). The *Graham* system uses a personal profile of a user. (Col. 6, ll. 7-11). The *Graham* system includes a concept comparator 106 that compares user concept output 20 from profile content recognizer 102 and advertiser concept output 22 from advertisement concept recognizer 104 to produce as an output a “best ad,” 30, an advertisement targeted to the user of client browser 12a based on the content of the document, the user’s interests and the content of the advertisements. (Col. 5, ll. 58-64, emphasis added). Advertisements are then displayed to users based on user’s concepts of interest. (Col. 6, l. 17). Even the content of the document is based upon the user selectable concepts of interest. (Col. 7, ll. 50-53). As part of the process of analyzing a document to identify discussion corresponding to one or more user selectable concepts of interest, reference in *Graham* is made to FIGS. 5-8. (Col. 8, ll. 46-51).

In the description of FIG. 5, the *Graham* system utilizes an annotation agent 508 that depends on inputs by a user. The concepts of interest and other user-specific information are maintained in a user profile file 516. (Col. 11, ll. 23-31). Then, particular patterns in parsed text are determined by the contents of user profile 516 (col. 11, ll. 57-60), and a Bayesian belief

network 700 uses user profile file 516 for source in order to ultimately output an advertisement (col. 12, ll. 52-55). Under the *Graham* system, a user profile file is created and advertisements are then shown based upon this user profile file.

Independent claims 1, 21, 30, and 37:

Graham fails to teach or suggest every feature of claim 1. Claim 1 recites, among other features, “wherein no user profiling data is forwarded to the advertising server.” As recited in claim 1, at least one applet reads textual content displayed on the web browser and the advertising server compares the read textual content to keyword data to determine whether display an ad on the web browser. No data is forwarded to the advertising server. The *Graham* system requires generation of a user profile file in order to generate an advertisement for a user. Under the *Graham* system, advertisements are only displayed based upon the generated user profile file.

Claim 1 is patently distinct from *Graham* for at least the reason that *Graham* displays ads based upon a user profile file forwarded to an ads database. Appellants disagree with the limitations that the *Office Action* places on the claim language of claim 1. At page 7, the *Office Action* states, “[h]ere, the advertising server is part of the internal system and hence, the user’s profile data are not collected and provided to any third party or external advertising server, rather are collected and used internally for targeting the users.” Specifically, claim 1 recites, “wherein no user profiling data is forwarded to the advertising server,” recites absolutely **nothing** as to the advertising server being of a third party or external. The *Office Action*’s attempt to limit the claim language to being external from a designated internal system or providing to a third party is improper as such a limitation is simply not within the claim. Therefore, because *Graham* fails to teach or suggest each and every feature of claim 1, withdrawal of the present rejection is respectfully requested.

Claims 21, 30, and 37 include similar language as recited above with respect to claim 1. For at least similar reasons as recited above with respect to claim 1, *Graham* fails to teach or suggest every feature of claims 21, 30, and 37. As such, claims 21, 30, and 37 are allowable over the art of record.

Claims 2-4, 8-9, 11-20, and 31-34, which depend from claim 1, are allowable over the art of record for all the reasons given above concerning their respective base claim, and further in

view of the novel features recited therein. Claims 22-29 and 35, 36, and 38-40, which depend from claims 21, 30, and 37, are allowable over the art of record for at least the same reasons as their ultimate base claim.

Dependent claim 23:

Claim 23 recites, among other features, “displaying no ad when said textual content does not match said keyword data.” The *Office Action* fails to recite a specific portion of *Graham* as teaching or suggesting at least this feature of dependent claim 23. Under *Graham*, Advertisement content recognizer 104 produces an output 22 comprising one or more advertising concepts from database 18 that are relevant to the contents of document 100. (Col. 5, ll. 55-58). *Graham* fails to teach or suggest that advertisements are not displayed when there is no textual match to keyword data.

Dependent claims 34, 35, and 36:

Still further, dependent claim 34 recites, among other features, “wherein no data is collected to profile a user of the web browser.” Under *Graham*, advertisements are then displayed to users based on user’s concepts of interest. (Col. 6, l. 17). By the very operation of *Graham*, user data must be collected and used for the user’s concepts of interest. Therefore, *Graham*, by its very operation, cannot perform the features of claim 34. As such, for at least this additional reason, *Graham* fails to teach or suggest the features of claim 34.

Dependent claims 35 and 36 include similar features as recited above with respect to Appellants’ claim 34. As described above with respect to claim 34, *Graham*, by its very operation, cannot perform the features of claims 35 and 36.

Dependent claim 38:

Dependent claim 38 recites, among other features, “wherein no user profiling data is forwarded from the computer to the advertising server.” No data is forwarded to the advertising server. The *Graham* system requires generation of a user profile file in order to generate an advertisement for a user. Under the *Graham* system, advertisements are only displayed based upon the generated user profile file.

Claim 38 is not anticipated by *Graham* because that *Graham* displays ads based upon a user profile file forwarded to an ads database. Appellants disagree with the limitations that the *Office Action* places on the claim language. At page 7, the *Final Action* states, “[h]ere, the advertising server is part of the internal system and hence, the user’s profile data are not collected and provided to any third party or external advertising server, rather are collected and used internally for targeting the users.” Specifically, claim 38 feature, “wherein no user profiling data is forwarded from the computer to the advertising server,” recites absolutely nothing as to the advertising server being of a third party or external. The *Office Action*’s attempt to limit the claim language to being external from a designated internal system or providing to a third party is wrong and improper as such a limitation is simply not within the claim. Therefore, because *Graham* fails to teach or suggest each and every feature of claim 38, the rejection is improper.

2. Rejection of Claims 1-4, 8-9, and 11-40 under 35 U.S.C. § 102(b) over PR Newswire.

The *Office Action* rejects claims 1-4, 8-9, and 11-40 as being anticipated by *PR Newswire*. Appellants respectfully traverse this rejection.

Initially, Appellants again object to the narrow and improper reading of the claim language in the *Action* as noted above. Secondly, the *Office Action* fails to apply any claim limitations of any particular claim to any particular part of the *PR Newswire* reference. Such an omnibus rejection is improper as pointed out above. Finally, Appellants note that the rejection appears to be under 35 U.S.C. § 102(b), although on page 7, the *Office Action* recites rejection under 35 U.S.C. § 102(e). Since 35 U.S.C. § 102(e) does not apply to printed publications, Appellants assume that 35 U.S.C. § 102(b) was instead intended. To the extent that Appellants have been able to determine what the Patent & Trademark Office’s positions might be, Appellants respond as follows.

Independent claims 1, 21, 30, and 37:

As previously noted, in order establish a prima facie case of anticipation under 35 U.S.C. § 102(b), each and every feature of the claim must be taught by the reference. Claim 1 recites, among other features, “wherein no user profiling data is forwarded to the advertising server.” As

recited in claim 1, at least one applet reads textual content displayed on the web browser and the advertising server compares the read textual content to keyword data to determine whether display an ad on the web browser. No data is forwarded to the advertising server. *PR Newswire* describes an international online advertising service. (p. 1, first paragraph of Body). As explicitly admitted by the Action, the *PR Newswire* system “essentially provides a service that can be thought of as a magazine or contextual content or web document that recognizes its users or readers and instantly selects advertisements to be displayed to the readers based on the reader’s psychographic profile or particular interests.” (Action, p. 8, citing *PR Newswire*, p. 2, fifth full paragraph, emphasis added). As such, the Action admits that user profiling data of a reader’s particular interests is forwarded to an advertising producing server.

Even the examples provided in *PR Newswire* indicate that profiling information on a user must be forwarded. For example, “a French visitor to an American site will see an advertisement in French for a French product rather than one for a product which is only available in the United States.” (*PR Newswire*, p. 1, fifth paragraph of Body). As such, the system would have to know that the visitor is a French visitor in order to distinguish between showing in French and showing in Chinese, or English, or Spanish. The system would know, according to *PR Newswire*, based upon the known interests of that viewer.

Still further, *PR Newswire* fails to even include a single structural reference to correlate even arguably to the features of claim 1. Therefore, because *PR Newswire* fails to teach or suggest each and every feature of claim 1, the rejection is improper.

Claims 21, 30, and 37 include similar language as recited above with respect to claim 1. For at least similar reasons as recited above with respect to claim 1, *PR Newswire* fails to teach or suggest every feature of claims 21, 30, and 37. As such, claims 21, 30, and 37 are allowable over the art of record.

Claims 2-4, 8-9, 11-20, and 31-34, which depend from claim 1, claims 22-29 and 35, which depend from claim 21, claim 36, which depends from claim 30, and claims 38-40, which depend from claim 37, are allowable over the art of record for all the reasons given above concerning their respective base claim.

Dependent claim 2:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 2. For example, there is no discussion of anything in *PR Newswire* regarding promotional heuristics as recited in claim 2. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 2, withdrawal of the present rejection is respectfully requested.

Dependent claim 3:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 3. For example, there is no discussion of anything in *PR Newswire* regarding said keyword data is provided for a plurality of subscriber advertisers, said keyword data corresponding to multiple ads as recited in claim 3. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 3, withdrawal of the present rejection is respectfully requested.

Dependent claim 4:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 4. For example, there is no discussion of anything in *PR Newswire* regarding said advertising server compares said textual content to said keyword data in real-time as recited in claim 4. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 4, withdrawal of the present rejection is respectfully requested.

Dependent claim 8:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 8. For example, there is no discussion of anything in *PR Newswire* regarding a banner ad as recited in claim 8. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 8, withdrawal of the present rejection is respectfully requested.

Dependent claim 9:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 9. For example, there is no discussion of anything in *PR Newswire* regarding said advertising server causes an ad specifying said keyword data to be displayed in said web browser when said keyword data matches words in said textual content displayed in said web browser as recited in claim 9. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 9, withdrawal of the present rejection is respectfully requested.

Dependent claim 11:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 11. For example, there is no discussion of anything in *PR Newswire* regarding said servlet receives data from said at least one applet, after being sent to the web browser, and said advertising server causes said web browser to display said ad specifying said keyword data as recited in claim 11. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 11, withdrawal of the present rejection is respectfully requested.

Dependent claim 12:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 12. For example, there is no discussion of anything in *PR Newswire* regarding a web browser displays a web site designated by an ad when the ad is selected as recited in claim 12. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 12, withdrawal of the present rejection is respectfully requested.

Dependent claim 13:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 13. For example, there is no discussion of anything in *PR Newswire* regarding said promotional heuristics determine which ad should be displayed as recited in claim 13. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 13, withdrawal of the present rejection is respectfully requested.

Dependent claim 14:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 14. For example, there is no discussion of anything in *PR Newswire* regarding self-educating promotional heuristics as recited in claim 14. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 14, withdrawal of the present rejection is respectfully requested.

Dependent claim 15:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 15. For example, there is no discussion of anything in *PR Newswire* regarding a likelihood that a person interested in one topic will be interested in a second topic or will respond to an ad pertaining to the second topic as recited in claim 15. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 15, withdrawal of the present rejection is respectfully requested.

Dependent claim 16:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 16. For example, there is no discussion of anything in *PR Newswire* regarding said sponsorship authentication data in said database comprises information indicating sponsors who are subscribers to the system as recited in claim 16. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 16, withdrawal of the present rejection is respectfully requested.

Dependent claim 17:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 17. For example, there is no discussion of anything in *PR Newswire* regarding a database to track a success rate of the displayed ad as recited in claim 17. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 17, withdrawal of the present rejection is respectfully requested.

Dependent claim 18:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 18. For example, there is no discussion of anything in *PR Newswire* regarding said usage records comprise data relating to how often each ad is accessed by users as recited in claim 18. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 18, withdrawal of the present rejection is respectfully requested.

Dependent claim 19:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 19. For example, there is no discussion of anything in *PR Newswire* regarding said keyword data for a corresponding ad is changed in response to said usage data as recited in claim 19. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 19, withdrawal of the present rejection is respectfully requested.

Dependent claim 20:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 20. For example, there is no discussion of anything in *PR Newswire* regarding said web browser is an HTML web browser as recited in claim 20. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 20, withdrawal of the present rejection is respectfully requested.

Dependent claim 22:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 22. For example, there is no discussion of anything in *PR Newswire* regarding said steps of comparing and displaying said ad are executed in real-time as recited in claim 22. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 22, withdrawal of the present rejection is respectfully requested.

Dependent claim 23:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 23. For example, there is no discussion of anything in *PR Newswire* regarding displaying no ad when said textual content does not match said keyword data as recited in claim 23. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 23, withdrawal of the present rejection is respectfully requested.

Dependent claim 24:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 24. For example, there is no discussion of anything in *PR Newswire* regarding updating said keyword data when said textual content does not match said keyword data as recited in claim 24. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 24, withdrawal of the present rejection is respectfully requested.

Dependent claim 25:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 25. For example, there is no discussion of anything in *PR Newswire* regarding determining whether the user selects said ad in response to said displaying step as recited in claim 25. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 25, withdrawal of the present rejection is respectfully requested.

Dependent claim 26:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 26. For example, there is no discussion of anything in *PR Newswire* regarding displaying on the user's web browser a web site linked to said ad as recited in claim 26. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 26, withdrawal of the present rejection is respectfully requested.

Dependent claim 27:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 27. For example, there is no discussion of anything in *PR Newswire* regarding updating a database in said advertising server to note that said keyword data produced a successful target by bringing the user to said web site as recited in claim 27. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 27, withdrawal of the present rejection is respectfully requested.

Dependent claim 28:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 28. For example, there is no discussion of anything in *PR Newswire* regarding updating a database on said advertising server when the user does not click on said ad as recited in claim 28. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 28, withdrawal of the present rejection is respectfully requested.

Dependent claim 29:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 29. For example, there is no discussion of anything in *PR Newswire* regarding the said ads are banner ads as recited in claim 29. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 29, withdrawal of the present rejection is respectfully requested.

Dependent claim 31:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 31. For example, there is no discussion of anything in *PR Newswire* regarding the database comprises behavior graphics as recited in claim 31. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 31, withdrawal of the present rejection is respectfully requested.

Dependent claim 32:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 32. For example, there is no discussion of anything in *PR Newswire* regarding the database comprises sponsorship authentication data as recited in claim 32. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 32, withdrawal of the present rejection is respectfully requested.

Dependent claim 33:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 33. For example, there is no discussion of anything in *PR Newswire* regarding the database comprising usage records as recited in claim 33. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 33, withdrawal of the present rejection is respectfully requested.

Dependent claims 34, 35, and 36:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claims 34, 35, and 36. For example, there is no discussion of anything in *PR Newswire* regarding no data is collected to profile the user of the browser as recited in claims 34, 35, and 36. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claims 34, 35, and 36, withdrawal of the present rejection is respectfully requested.

Dependent claim 38:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 38. For example, there is no discussion of anything in *PR Newswire*

regarding no user profiling data is forwarded from the computer to the advertising server as recited in claim 38. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 38, withdrawal of the present rejection is respectfully requested.

Dependent claim 39:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 39. For example, there is no discussion of anything in *PR Newswire* regarding the keyword data is based upon promotional heuristics as recited in claim 39. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 39, withdrawal of the present rejection is respectfully requested.

Dependent claim 40:

The Action fails to recite a specific portion of *PR Newswire* as teaching or suggesting the features of dependent claim 40. For example, there is no discussion of anything in *PR Newswire* regarding promotional heuristics are self-educating, so that when the user selects said displayed ad, a database at the advertising server is updated to indicate that said selected ad was a good match for said keyword data and said textual content as recited in claim 40. To reject a claim under 35 U.S.C. § 102(b), the reference must explicitly teach the claim. *PR Newswire* fails to explicitly recite anything with how the system operates and thus fails to teach the features of the dependent claims. Therefore, because *PR Newswire* fails to teach or suggest dependent claim 40, withdrawal of the present rejection is respectfully requested.

3. Rejection of Claims 1-4, 8-9, and 11-40 over *Dietsch* in view of *Graham*.

The *Office Action* rejects claims 1-4, 8-9, and 11-40 as being unpatentable over *Dietsch* in view of *Graham*. Appellants respectfully traverse this rejection.

Appellants again object to the narrow and improper reading of the claim language in the *Action* as described above. Secondly, the *Office Action* fails to apply any claim limitations of any particular claim to any particular part of the *Dietsch* and *Graham* combination. Such an omnibus rejection is improper as discussed previously. To the extent that Appellants have been able to determine what the Patent & Trademark Office's position might be, Appellants respond as follows.

Independent claims 1, 21, 30, and 37:

In citing *Dietsch* for support in rejecting claim 1, the *Office Action* specifically relies on paragraph [0055] and recites, "user's information, such as keyword data (user's profile), can be used by the advertisement server in selecting appropriate advertisement content, campaigns or information to be presented to the user via his processing unit." The *Office Action* expressly admits that the *Dietsch* system forwards user profiling data to an advertisement server. Such a feature of *Dietsch* is in complete opposite to the features of claim 1. As previously noted, claim 1 recites, among other features, "wherein no user profiling data is forwarded to the advertising server." *Dietsch* precisely describes that user profiling data is forwarded to the advertisement server 30. In addition, as previously noted, *Graham* fails to cure this deficiency of *Dietsch*. As such, the combination of *Dietsch* and *Graham*, even if proper, fails to teach or suggest each and every feature of claim 1.

In rejecting claim 1, the *Office Action* provides a conclusory statement regarding why it would have been obvious to combine *Graham* with *Dietsch*. In particular, the *Office Action* concludes,

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of the invention, to incorporate the teachings of *Graham* into the system of *Dietsch* so as to request by a user textual content or web document from a content provider and compare stored keyword data to the textual content or currently displayed requested web document in order to determine if there is a match between a currently displayed portion of the requested web document and the stored keyword data and, in the affirmative, display one or more suitable ads to the user or consumer, thereby rendering the advertisements displayed within the requested web document or web page more appropriate to the portion of the web document being read or consumed by the consumer or user and more related to

the user's interest, while increasing the chance that the advertisers' messages or advertisements will receive an eyeball, which in the end renders the system more effective.

(Office Action, pp. 13-14).

“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) cited with approval in *KSR Int'l vs. Teleflex Inc.*, 127 S Ct. 1727 (2007). The grounds for rendering the combination of *Dietsch* and *Graham* obvious as articulated in the *Office Action* above are based clearly on conclusory statements.

Claims 21, 30, and 37 include similar language as recited above with respect to claim 1. For at least similar reasons as recited above with respect to claim 1, the combination of *Dietsch* and *Graham* fails to teach or suggest every feature of claims 21, 30, and 37. As such, claims 21, 30, and 37 are allowable over the art of record.

Claims 2-6, 8-9, 11-20, and 31-34, which depend from claim 1, are allowable over the art of record for all the reasons given above concerning their respective base claim, and further in view of the novel features recited therein. Claims 22-29 and 35, 36, and 38-40, which depend from claims 21, 30, and 37, are allowable over the art of record for at least the same reasons as their ultimate base claim.

Dependent claim 23:

Claim 23 recites, among other features, “displaying no ad when said textual content does not match said keyword data.” The *Office Action* fails to recite a specific portion of *Dietsch* or *Graham* as teaching or suggesting this feature of dependent claim 23. *Dietsch* and *Graham* fails to teach or suggest that advertisements are not displayed when there is no textual match to keyword data.

Dependent claims 34, 35, and 36:

Still further, dependent claim 34 recites, among other features, “wherein no data is collected to profile a user of the web browser.” Under *Graham*, advertisements are then displayed to users based on user's concepts of interest. (Col. 6, l. 17). By the very operation of

Graham, user data **must be collected** and used for the user's concepts of interest. Therefore, *Graham*, by its very operation, cannot perform the features of claim 34. As such, for at least this additional reason, *Dietsch* and *Graham* fails to teach or suggest the features of claim 34.

Dependent claims 35 and 36 include similar features as recited above with respect to claim 34. As described above with respect to claim 34, *Graham*, by its very operation, cannot perform the features of claims 35 and 36. As such, for at least this additional reason, *Dietsch* and *Graham* fail to teach or suggest the features of claims 35 and 36.

Dependent claim 38:

Dependent claim 38 recites, among other features, "wherein no user profiling data is forwarded from the computer to the advertising server." No data is forwarded to the advertising server. The *Graham* system requires generation of a user profile file in order to generate an advertisement for a user. Under the *Graham* system, advertisements are only displayed based upon the generated user profile file.

Claim 38 is not unpatentable over *Dietsch* in view of *Graham* for at least the reason that *Graham* displays ads based upon a user profile file forwarded to an ads database. Appellants disagree with the limitations that the *Office Action* places on the claim language. At page 13, the *Final Action* states, "[h]ere, the advertising server is part of the internal system and hence, the user's profile data are not collected and provided to any third party or external advertising server, rather are collected and used internally for targeting the users." Specifically, claim 38 feature, "wherein no user profiling data is forwarded from the computer to the advertising server," recites absolutely **nothing** as to the advertising server being of a third party or external. The *Office Action*'s attempt to limit the claim language to being external from a designated internal system or providing to a third party is wrong and improper as such a limitation is simply not within the claim. Therefore, because *Dietsch* and *Graham* fail to teach or suggest each and every feature of claim 38, withdrawal of the present rejection is respectfully requested.

CONCLUSION

For all of the foregoing reasons, Appellants respectfully submits that the final rejection of claims 1-4, 8-9, and 11-40 is improper and should be reversed.

Respectfully submitted,
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CLAIMS APPENDIX

37 C.F.R. § 41.37(c)(1)(viii)

Claim 1: A system for providing Internet advertising, comprising:

an advertising server comprising a web server having at least one applet, said advertising server further comprising a database and a servlet for sending said at least one applet to a web browser on another computer and receiving textual content read from said web browser by said at least one applet, said advertising server comparing said textual content to keyword data stored in said database to determine whether to display an ad on said web browser,

wherein no user profiling data is forwarded to the advertising server.

Claim 2: The system for providing Internet advertising, as recited in claim 1, wherein said database comprises promotional heuristics.

Claim 3: The system for providing Internet advertising, as recited in claim 1, wherein said keyword data is provided for a plurality of subscriber advertisers, said keyword data corresponding to multiple ads.

Claim 4: The system for providing Internet advertising, as recited in claim 1, wherein said advertising server compares said textual content to said keyword data in real-time.

Claim 8: The system for providing Internet advertising, as recited in claim 1, wherein said ad is a banner ad.

Claim 9: The system for providing Internet advertising, as recited in claim 1, wherein said advertising server causes an ad specifying said keyword data to be displayed in said web browser when said keyword data matches words in said textual content displayed in said web browser.

Claim 11: The system for providing Internet advertising, as recited in claim 9, wherein said servlet receives data from said at least one applet, after being sent to the web browser, and said advertising server causes said web browser to display said ad specifying said keyword data.

Claim 12: The system for providing Internet advertising, as recited in claim 11, wherein said web browser displays a web site designated by said ad when said ad is selected.

Claim 13: The system for providing Internet advertising, as recited in claim 2, wherein said promotional heuristics determine which ad should be displayed.

Claim 14: The system for providing Internet advertising, as recited in claim 13, wherein said promotional heuristics are self-educating, so that when a user selects said displayed ad, said database is updated to indicate that said selected ad was a good match for said keyword data and said textual content.

Claim 15: The system for providing Internet advertising, as recited in claim 31, wherein said behavior graphics in said database contain information relating to the likelihood that a person interested in one topic will be interested in a second topic or will respond to an advertisement pertaining to said second topic.

Claim 16: The system for providing Internet advertising, as recited in claim 32, wherein said sponsorship authentication data in said database comprises information indicating sponsors who are subscribers to the system.

Claim 17: The system for providing Internet advertising, as recited in claim 1, wherein said database tracks a success rate of said displayed ad.

Claim 18: The system for providing Internet advertising, as recited in claim 33, wherein said usage records comprise data relating to how often each ad is accessed by users.

Claim 19: The system for providing Internet advertising, as recited in claim 18, wherein said keyword data for a corresponding ad is changed in response to said usage data.

Claim 20: The system for providing Internet advertising, as recited in claim 1, wherein said web browser is an HTML web browser.

Claim 21: A method of providing Internet advertising, comprising the steps of:

uploading ads to an advertising server;

selecting keyword data for each ad;

sending at least one applet to a web browser on a user's computer;

receiving from said at least one applet textual content displayed on said web browser;

comparing said textual content read by said at least one applet with said keyword data;

and

displaying an ad having keyword data matching said textual content when said comparing step produces a match,

wherein no user profiling data is forwarded from the user's computer to the advertising server.

Claim 22: The method of providing Internet advertising, as recited in claim 21, wherein said steps of comparing and displaying said ad are executed in real-time.

Claim 23: The method of providing Internet advertising, as recited in claim 21, comprising the further step of displaying no ad when said textual content does not match said keyword data.

Claim 24: The method of providing Internet advertising, as recited in claim 23, comprising the further step of updating said keyword data when said textual content does not match said keyword data.

Claim 25: The method of providing Internet advertising, as recited in claim 21, comprising the further step of determining whether the user selects said ad in response to said displaying step.

Claim 26: The method of providing Internet advertising, as recited in claim 25, comprising the further step of displaying on the user's web browser a web site linked to said ad.

Claim 27: The method of providing Internet advertising, as recited in claim 26, comprising the further step of updating a database in said advertising server to note that said keyword data produced a successful target by bringing the user to said web site.

Claim 28: The method of providing Internet advertising, as recited in claim 25, comprising the further step of updating a database on said advertising server when the user does not click on said ad.

Claim 29: The method of providing Internet advertising, as recited in claim 21, wherein said ads are banner ads.

Claim 30: A method of providing real-time advertising over the Internet, comprising the steps of:
maintaining a database of a plurality of ads;
maintaining keyword data for each of said ads;
sending an applet to a browser on a user's computer;
reading textual content displayed on said browser using said applet;
comparing said textual content read by said applet with said keyword data for each of said ads; and
displaying an ad having keyword data matching said textual content when said comparing step produces a match,
wherein no user profiling data is forwarded from the user's computer to an advertising server.

Claim 31: The system for providing Internet advertising, as recited in claim 1, wherein said database comprises behavior graphics.

Claim 32: The system for providing Internet advertising, as recited in claim 1, wherein said database comprises sponsorship authentication data.

Claim 33: The system for providing Internet advertising, as recited in claim 1, wherein said database comprises usage records.

Claim 34: The system for providing Internet advertising, as recited in claim 1, wherein no data is collected to profile a user of the web browser.

Claim 35: The method of providing Internet advertising, as recited in claim 21, wherein no data is collected to profile the user of the web browser.

Claim 36: The method of providing real-time advertising over the internet, as recited in claim 30, wherein no data is collected to profile the user of the browser.

Claim 37: A system for providing Internet advertising, comprising a computer including a web browser and a display unit, the web browser receiving at least one applet from an advertising server,

- wherein the at least one applet reads textual content displayed on said web browser,
- wherein the web browser displays an ad specifying keyword data when words in the textual content match the keyword data,
- wherein the ad is received from the advertising server,
- wherein no data is collected to profile a user of the computer.

Claim 38: The system of claim 37, wherein no user profiling data is forwarded from the computer to the advertising server.

Claim 39: The system of claim 37, wherein the keyword data is based upon promotional heuristics.

Claim 40: The system of claim 39, wherein said promotional heuristics are self-educating, so that when the user selects said displayed ad, a database at the advertising server is updated to indicate that said selected ad was a good match for said keyword data and said textual content.

EVIDENCE APPENDIX

37 C.F.R. § 41.37(c)(1)(ix)

None.

RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(1)(x)

None.